IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 21201 of 2004

Between:

A. Jaya Rami Reddy, S/o. Hanumantha Reddy,
Krishnamraju Vari Palem, Korisapadu Mandal, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Prakasam District at Ongole.
2 The Revenue Divisional Officer, Ongole Division, Ongole, Prakasam District.
3 The Mandal Revenue Officer, Korisapadu, Korisapadu Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass order, particularly one in the nature of Writ of Mandamus, declaring the order of the 2nd respondent in Rc.C/1499/2004, dated 14-10-2004 and the consequential order of the 1st respondent in Rc.No.Cs.2/4456/2004, dated 6-11-2004 in rejecting to stay the suspension of the petitioner's authorisation as arbitrary, illegal, discriminatory, and violative of Articles 14 and 21 of the constitution of India, and consequently set-aside the same, and direct the respondents to revoke the impugned suspension.

Counsel for the Petitioner: MR.KASAJAGANMOHAN REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

This writ petition is filed aggrieved by the order dated 06-11-2004 passed by the first respondent-Joint Collector, Prakasham District, at Ongole, where under, the application filed by the petitioner for grant of stay of the operation of the order dated 14-10-2004 passed by the second respondent-Revenue Divisional Officer, Ongole, Prakasham District was rejected.

Though the learned counsel for the petitioner raised various contentions stating that the order of suspension dated 14-10-2004 is arbitrary and illegal, I am not inclined to express any opinion on merits, since the statutory appeal is pending. Even the impugned order dated 06-11-2004 being an interim order, pending the statutory appeal, the interference of this Court under Article 226 of the Constitution of India is not warranted.

However, having regard to the facts and circumstances, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the main appeal itself after giving notice to the petitioner, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of this order. It is made clear that the first respondent shall consider all the contentions raised by the petitioner in the memorandum of grounds, uninfluenced by any one of the observations made in the impugned order dated 06-11-2004.

Accordingly, the writ petition is disposed of. No costs.

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19-11-2004

Note: Issue C.C. by two days

(B/o)

kdl

To

1 The Joint Collector, Prakasam District at Ongole.
2 The Revenue Divisional Officer, Ongole Division, Ongole, Prakasam District.
3 The Mandal Revenue Officer, Korisapadu, Korisapadu Mandal, Prakasam District.

4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad (OUT).

4 Two C.D. Copies.